

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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REGENT MUSIC CORPORATION,

07 CIV. 9510 (LLS)

Plaintiff,

-against-

DECLARATION IN SUPPORT
OF MOTION TO DISMISS

SUGAR HILL MUSIC PUBLISHING, LTD.,
and JOSEPH ROBINSON, JR.,

Defendants.

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JAMES P. CINQUE declares under penalty of perjury pursuant to 28 U.S.C.

§1746:

1. I am a member of Cinque & Cinque, P. C., attorneys for defendants. I have knowledge of the facts set forth herein and submit this declaration in support of defendants' motion to dismiss the complaint in this action (Exhibit "A"), due to the fact that the copyright in issue is not owned by plaintiff.

2. In paragraph 4 of the complaint, plaintiff Regent Music Corp. alleges that it is the "exclusive sub-publisher and administrator for the United States and Canada of the musical composition entitled 'Apache,' written by Jeremiah Lordon (the "Composition") and owned by Francis, Day & Hunter, Ltd." In paragraph 8 of the complaint Regent alleges:

Francis, Day & Hunter, Ltd. secured a United States
Copyright Registration in the Composition on July 29, 1960

under registration No. Efor75663 and renewed it on March 7, 1988 under registration No. RE 380196.

3. I received a copy of this renewal registration (RE 380-196) from the United States Copyright Office, and annex it as Exhibit "B". The copyright claimant is Jerry Lordan, and not Francis, Day & Hunter, Ltd.

4. As explained in the accompanying memorandum, only the legal or beneficial owner of a copyright has standing to sue for infringement. As the copyright owner is Jerry Lordan, and not Francis, Day & Hunter, Ltd., as alleged in the complaint, Regent lacks standing to maintain this infringement action.

I hereby declare the truth of the foregoing statements under penalty of perjury pursuant to 28 U.S.C. § 1746.

Executed this 27th day of December, 2007 at New York, New York.

_____/s/_____
JAMES P. CINQUE